



**FARMERS
BRANCH**

ORDINANCE NO. 3069

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT-INTERIM USE WITH SPECIAL CONDITIONS TO ALLOW AN INDOOR CRICKET AND BASEBALL PRACTICE FACILITY ON A PORTION OF AN APPROXIMATELY 1.95 ACRE TRACT OF LAND LOCATED WITHIN PLANNED DEVELOPMENT NO. 70 "OLD FARMERS BRANCH - FREEWAY SUBDISTRICT" (PD-70-OFB-FW) ZONING DISTRICT; AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND GENERALLY LOCATED AT 2435 SQUIRE PLACE, SUITE 600; PROVIDING FOR THE APPROVAL OF THE SITE PLAN ATTACHED AS EXHIBIT "B"; PROVIDING FOR ADDITIONAL SPECIAL CONDITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A THIS ORDINANCE TO CONTROL IN EVENT OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the governing body of the City of Farmers Branch, in compliance with the laws of the State of Texas and the ordinances of the City of Farmers Branch, have given requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity; and

WHEREAS, in accordance with Section 8-452 of the Comprehensive Zoning Ordinance, as amended, the City Council makes the following findings with respect to the application requesting the issuance of a Specific Use Permit - Interim Use on the property described in Exhibit "A," attached hereto and incorporated herein by reference ("the Property"), to wit:

1. The proposed use is consistent with existing uses of adjacent and nearby Property;
2. The proposed use is not consistent with: (a) the reasonably foreseeable uses of adjacent and nearby property anticipated to be in place upon expiration of the term of the Specific Use Permit - Interim Use; or (b) the use of the Property contemplated by the City's Comprehensive Plan, as in effect on the date of granting of said permit;

3. The proposed use will not impair development of adjacent and nearby property in accordance with said Comprehensive Plan during the period for which the Specific Use Permit - Interim Use is in effect;
4. The proposed use will not adversely affect the City's Thoroughfare Plan and traffic patterns, as in effect at the time of granting of said permit, and as contemplated by the City's Comprehensive Plan;
5. The applicant has proposed to make an investment of up to \$15,000.00 in improvements to the Property related to the use to be authorized pursuant to the issuance of the requested Specific Use Permit - Interim Use and has stated that such investment can be recovered within three (3) years from the effective date of said permit and this Ordinance; and
6. The investment contemplated to be made by the applicant in the Property subsequent to or in reliance upon the issuance of the permit may reasonably be expected to be recovered prior to the expiration date of this Ordinance and the Specific Use Permit - Interim Use created hereby; and

WHEREAS, having held the above-referenced public hearing and making the above findings, the governing body, in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Zoning Map should be amended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The Comprehensive Zoning Ordinance and zoning map of the City of Farmers Branch, Texas, be, and the same is hereby amended, so as to grant a change in zoning by granting a Specific Use Permit-Interim Use with special conditions for an indoor Cricket or Baseball Practice Facility for property zoned Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) Zoning District, with respect to an approximately 4,812 square foot portion of the building located on 1.95 acre tract of land more particularly described and depicted in Exhibit "A," attached hereto and incorporated herein for all purposes ("the Property"), the Property being more generally known as and located at 2435 Squire Place, Suite 600, Farmers Branch, Texas.

SECTION 2. The Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 70 "Old Farmers Branch - Freeway Subdistrict" (PD-70-OFB-FW) zoning district as well as the following special conditions:

- A. The Property shall be developed and used only in accordance with the Site Plan attached as Exhibit "B", which is hereby approved;
- B. Prior to issuance of any Certificate of Occupancy for use of the Property as authorized by Section 1 of this Specific Use Permit-Interim Use, all landscaping

and screening material shown on the approved Site Plan must be planted and/or installed.

C. Hours of Operation shall be limited to 9 am to 9 pm., Monday through Sunday.

SECTION 3. The Property shall be used only in the manner and for the purposes provided by the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended and as amended herein.

SECTION 4. All provisions of the ordinances of the City of Farmers Branch in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Farmers Branch not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Comprehensive Zoning Ordinance, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

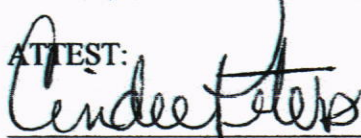
SECTION 7. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 8. This Ordinance shall take effect after the passage of this Ordinance, the publication of the caption hereof as the law and charter in such case provide, and the filing in the Official Public Records of Dallas County, Texas, the notice required by Section 8-459, of the Comprehensive Zoning Ordinance, as amended, have occurred.

SECTION 9. This Ordinance and the right to use the Property for the purposes authorized herein shall terminate three (3) years from the effective date of this Ordinance.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THIS THE 1st DAY OF DECEMBER, 2009.

ATTEST:



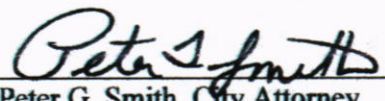
Cindee Peters, City Secretary

APPROVED:



Tim O'Hare, Mayor

APPROVED AS TO FORM:


Peter G. Smith, City Attorney

Ordinance No. 3069
EXHIBIT "A" Legal Description

EXHIBIT "A"

Property Description

Lot 1, Block 1, Stewco Development Number Four, an addition to the City of Farmers Branch, Dallas County, Texas, according to the Plat thereof recorded in Volume 81084, Page 2928, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found in the North line of Squire Place (50 foot Right-of-Way) at its intersection with the West line of Bee Street (50 foot Right-of-Way), said point being the Southeast corner of said Lot 1, Block 1, of said Addition;

THENCE West along the North line of Squire Place, a distance of 413.71 feet to an iron rod found for corner at the Southwest corner of said Lot 1;

THENCE North 00 degrees 40 minutes 50 seconds West a distance of 205.42 feet to an "X" found in concrete at the Northwest corner of said Lot 1;

THENCE East a distance of 413.16 feet to an iron rod set for corner in the West line of said Bee Street at the Northeast corner of said Lot 1;

THENCE South 00 degrees 05 minutes 10 seconds East along said West line, a distance of 205.42 feet to the Place of Beginning and Containing 1.9495 Acres of Land.

Ordinance No. 3069
EXHIBIT "B" Site Plan

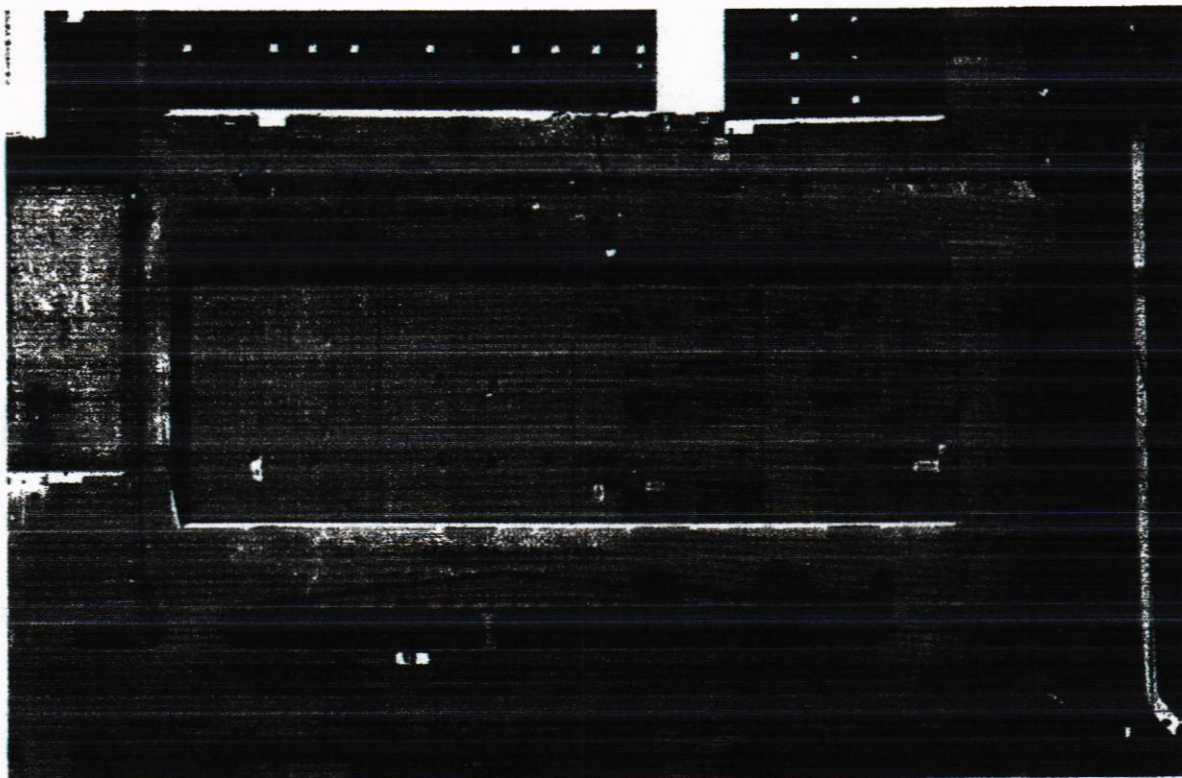


EXHIBIT "B" Site Plan (Floor Plan for Suite 600)

